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REMARKS

No claims have been cancelled or withdrawn by this amendment. Claims 34-41 have been allowed, and claims 33 was indicated to be allowable. Applicant respectfully requests reconsideration of rejected claims 25-32 and 43 and withdrawn claims 42 and 46. Claims 25-46 are pending in this application.

INFORMATION DISCLOSURE STATEMENT

The Examiner indicated that references 51-90 and 94-103 of the IDS filed February 7, 2005 failed to comply with 37 CFR 1.98(a)(3) because it does not include an explanation of the relevance of each patent listed that is not in the English Language. The applicable section of the Code of Federal Regulations is reproduced below:

§ 1.98 Content of information disclosure statement.

(a) Any information disclosure statement filed under § 1.97 shall include the items listed in paragraphs (a)(1), (a)(2) and (a)(3) of this section.

(3)(i) A concise explanation of the relevance, as it is presently understood by the individual designated in § 1.56(c) most knowledgeable about the content of the information, of each patent, publication, or other information listed that is not in the English language.

The concise explanation may be either separate from applicant's specification or incorporated therein.

(ii) A copy of the translation if a written English-language translation of a non-English-language document, or portion thereof, is within the possession, custody, or control of, or is readily available to any individual designated in § 1.56(c).

Neither Applicant nor any other individual or entity under 37 CFR 1.56(c) is known to have an English translation of the references 51-90 and 94-103 or

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any portion thereof. The undersigned states that the relevance of these references is that they form a part of the file history of U.S. Patent 6,827,646 ("the '646 patent"). While the '646 patent, having an earliest possible priority date of Sept. 23, 1994, is clearly not prior art to the current application, which has a priority date of October 2, 1992, it is related to the current application in that it discloses a slot machine with an "additional payout indicator" in the form of a spinning wheel. An IDS citing the '646 patent is enclosed herewith.

The best copies available for the references cited in the IDS received 23 June 2005 for citation numbers 6-8 will be couriered to the Examiner on the first day that he is available after the Labor Day weekend.

ELECTION/RESTRICTIONS

Claims 42 and 46 were withdrawn as being directed to a non-elected invention. The Examiner asserts that since a motor had not been specifically claimed, that the method claims are outside of the elected invention. Applicant respectfully traverses. However, solely in order to expedite the prosecution of this application, Applicant has amended claim 42 to indicate that the indicator is rotated and stopped by a motor. Withdrawal of the withdrawal of claims 42 and 46 is respectfully requested.

Prior Art Rejections

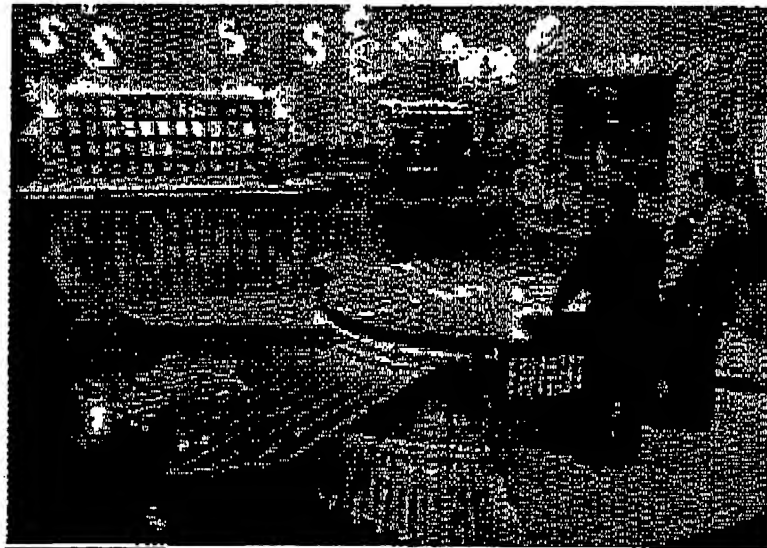
Claims 25-32 and 43 were rejected under 35 U.S.C. 103(a) as being unpatentable over the "Wheel of Fortune" game. Applicant respectfully traverses. The Wheel of Fortune game includes a manually spun wheel which

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serves as a random selector, i.e. its purpose is to indicate a random, and therefore unknown, end result. As described at www.wheeloffortuneinfo.com:

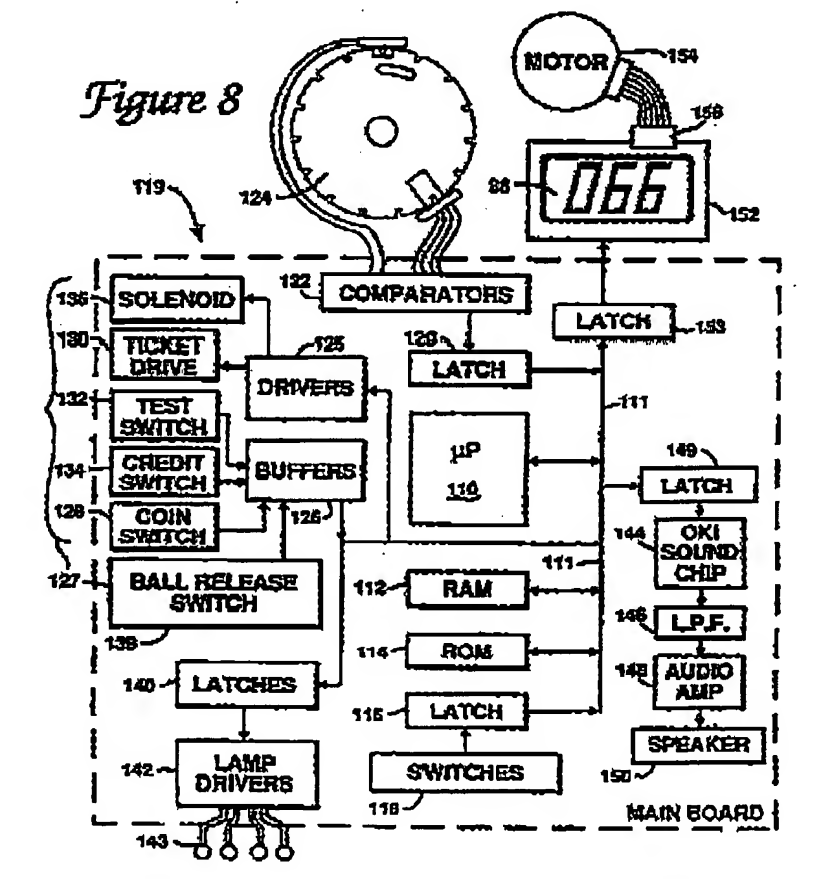
Contestants spin the wheel (risking bankruptcy if it lands on the wrong space), then guess a letter of the alphabet (or 'buy' a vowel). Correct guesses fill in spaces on the big puzzle board. Eventually, those letters form a familiar phrase or name. In theory, contestants try to guess that phrase as early as possible, while only seeing a few of the letters. But since contestants are also trying to win as much money as possible, their strategy is often to keep spinning the wheel even after they have figured out the puzzle, to rack up more dollars. (But they risk losing it all if the wheel lands on the "Bankrupt" space.)

Therefore, the wheel is manually spun by the contestants, who risk "bankruptcy" if it lands on the wrong space. If the contestants could control where the wheel "lands" they would never intentionally land it on bankruptcy. A picture of contestants in position to manually spin the wheel as found on <http://game-shows.chris-place.com/shows/wheel-of-fortune/be-a-contestant.htm> and is reproduced below.

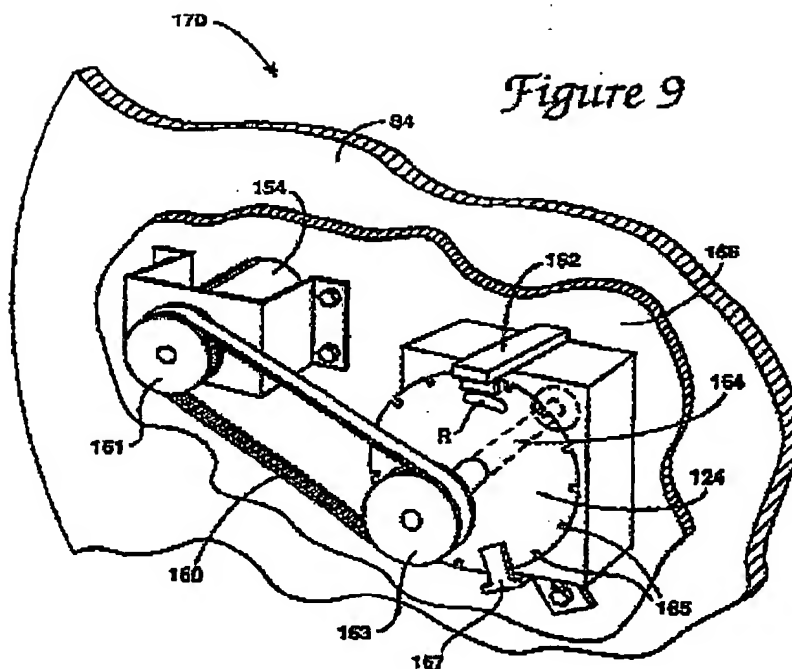


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The stark contrast between the simple (and ancient) mechanical randomizer wheel of Wheel of Fortune and the high-tech nature of exemplary embodiments of Applicant's Indicator wheels cannot be more clear. For example, the motor and rotational sensors as seen in Figs. 8 and 9 of certain of Applicant's exemplary embodiments, reproduced below, allow the wheel operate as an *indicator* rather than as a *randomizer*.



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In the exemplary embodiments set forth above, Applicant uses a motor 154 in conjunction with a position detection mechanism 123 to move the wheel to a predetermined location. The exemplary embodiments of Figs. 8 and 9 track the exemplary embodiment of Applicant's claim 25, which recites the use of a motor, a segment detector, and a pointer to "land" the wheel at a predetermined segment. Applicant's indicator is therefore an indicator of a predetermined result, not a random result generator such as the Wheel of Fortune.

Furthermore, Wheel of Fortune neither discloses a motor nor a segment detector and, as such, the Examiner has not even made a *prima facie* case of obvious with respect to Wheel of Fortune.

Applicant also respectfully traverses the Examiner's comments with respect to claims 29-31. The type of motor can be important in different

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embodiments. For example, a stepper motor can be used to determine relative position by counting steps from a known starting position, reducing the reliance on the position detector, and perhaps requiring fewer positional indicators (e.g. only one), in certain embodiments. Servo motor embodiments, in contrast, may have a greater reliance on the position detector, perhaps requiring more positional indicators (e.g. one per segment plus an absolute position indicator), in certain embodiments.

For at least the preceding reasons, Applicant believes that claims 25-32 and 43 are clearly patentable over Wheel of Fortune, and requests that the rejections be withdrawn.

Terminal Disclaimer

Applicant acknowledges the entry of the terminal disclaimer.

Allowable Subject Matter

The Examiner is thanked for the indication of allowability of claims 34-41, 44 and 45. Claim 33 has been rewritten in independent form, and therefore should also be allowable.

CONCLUSION

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

If in the opinion of the Examiner a telephone conference would expedite the prosecution of the subject application, the Examiner is encouraged to call the

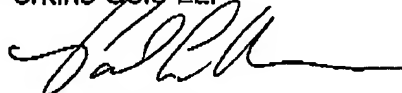
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undersigned at (650) 838-4311.

The Commissioner is authorized to charge any fees due to Applicants'

Deposit Account No. 50-2207.

Respectfully submitted,
Perkins Coie LLP



Date: September 2, 2005

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